

DONTZIN NAGY & FLEISSIG LLP

980 Madison Avenue | New York, New York 10075 | (212) 717 - 2900

Tibor L. Nagy, Jr.
tibor@dnfllp.com

VIA ECF

January 30, 2015

Hon. Alvin K. Hellerstein
United States District Court
500 Pearl Street, Room 1050
New York, New York 10007

Re: *Intellectual Ventures II LLC v. JP Morgan Chase & Co. et al.*, 13-cv-3777

Dear Judge Hellerstein:

We represent Defendants in the above-captioned matter and write to inform the Court that yesterday the Patent Trial and Appeal Board (“PTAB”) of the United States Patent & Trademark Office denied Defendants’ petition for covered business method (“CBM”) review of Plaintiff Intellectual Ventures II LLC’s (“IV”) U.S. Patent No. 5,745,574 (the “’574 Patent”). The PTAB did not address the merits of any of Defendants’ arguments concerning the invalidity of the ’574 Patent. Instead, the PTAB concluded, as a threshold matter, that it is “not persuaded by Petitioner’s arguments that the ’574 Patent is a CBM patent, as defined by the AIA [*i.e.*, the America Invents Act] and, thus, we do not institute a CBM patent review of the challenged claims.”¹ A copy of the PTAB’s decision is attached hereto as Exhibit 1.

Sincerely,

/s/Tibor L. Nagy, Jr.

Tibor L. Nagy, Jr.

cc: All counsel (via ECF)

¹ By contrast, in its recent decision granting Defendants’ petition for CBM review of IV’s U.S. Patent No. 6,314,409 (the “’409 Patent”), the PTAB both concluded the ’409 patent is a CBM patent and further concluded that “it is more likely than not that the remaining challenged claims are directed to non-statutory subject matter and, therefore, unpatentable under 35 U.S.C. § 101.” Dkt. No. 355, Ex. 1, at 2-3. The ’409 Patent currently is the subject of Defendants’ pending motion for summary judgment on § 101 grounds; the ’574 Patent is not.